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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-first session
Agenda item 10

FREEDOM OF MOVEMENT

Letter dated 24 August 1999 from the Permanent Representative of Kuwait to the United Nations Office at Geneva addressed to the Chairman of the fifty-first session of the Sub-Commission

In reference to the practice of the right of reply under agenda item 10 by the delegation of the Republic of Iraq at the 26th meeting on 23 August 1999, I would like to voice the objection of the delegation of the State of Kuwait to the text presented by the Iraqi delegate, especially the abuse of this right whose purpose is to reply to a statement made by an NGO, [in this case] Interfaith International.

Recalling your inaugural statement requesting that government statements should avoid attacking other countries, the delegation of the State of Kuwait abstained from addressing the Commission under this item.

In regard to the question of Iraqi exports of children's child-care products, we reconfirm that the Kuwaiti coastguard arrested a wooden boat named Naurani inside Kuwaiti territorial waters on 11 August 1999. The boat was coming from Iraq and flying the United Arab Emirates flag.

The Government of the State of Kuwait has submitted two letters to the Secretary-General of the United Nations and the President of the Security Council on this incident* which demonstrates beyond any doubt that the Iraqi regime is abusing the oil-for-food programme.

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* Issued as document S/1999/885.

The captain of the arrested boat confessed that he had previously committed six such violations.

In reference to the Iraqi statement challenging the State of Kuwait to invite the international media to verify this affair, we would like to emphasize that it is a common practice in Kuwait to provide transparency on such matters and Kuwait has exposed the shipment to the cameras of the international press.

Therefore, the State of Kuwait considers the Iraqi statement as baseless and rejects the fabrication concerning Kuwait. And we request that this letter be considered as an official document of the fifty-first session of the Sub-Commission.

(Signed): Dharar A.R. RAZZOOQI
Ambassador
Permanent Representative

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
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Agenda item 12 (b) (ii)

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE

TERRORISM AND HUMAN RIGHTS

Letter dated 26 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit, enclosed herewith,* a letter addressed by His Excellency, Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia to the United Nations Security Council concerning the discovery of a mass grave containing the mortal remains of 15 civilians of Serbian nationality in the village of Ugljare, near Gnjilane. I would like to ask you to have it circulated as an official document of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights under agenda item 12 (b) (ii) - Terrorism and human rights.

(Signed) Branko Brankovic
Ambassador
Chargé d'affaires a.i.

* Reproduced as received, in the language of submission only.

Annex

FEDERAL MINISTRY OF FOREIGN AFFAIRS
FEDERAL REPUBLIC OF YUGOSLAVIA
FEDERAL MINISTER

Belgrade, 25 August 1999

Mr. President,

The Yugoslav Government and its public have been greatly indignated and shocked when they learned that a new mass grave was uncovered, containing the bodies of 15 civilians of Serb nationality, in the area of Ugljare village, near Gnjilane, including Dragan Tomic and two members of the Zdravkovic family, abducted by the terrorists of the so called KLA on 10 July 1999. The fact that US members of KFOR, within whose zone of responsibility this monstrous crime had been committed, have deliberately, for more than a month concealed this crime from the international community and from the Security Council itself, represents concealing of truth, interference with the investigation and protecting those who gave orders and those who had committed the crime.

The KFOR leadership confirmed the basic facts concerning this outrageous massacre just today, on 25 August only following an official request of the Yugoslav authorities of 24 August. It has been done without a single word of condemnation of the crime or sympathy to the families of the victims. Overall attitude of KFOR and UNMIK unambiguously confirm that they seek to manipulate the international public and the Security Council even in cases of beastly mass terrorist massacres. The purpose was to withhold information and thereby prevent the reaction of the international public and the Security Council itself in the wake of this crime, committed only one day after the massacre of 14 Serb civilians in the village of Staro Gracko. This testifies not only to the tolerant attitude but to a deliberate protection of the separatist-terrorist so called KLA in order to escape responsibility for daily murders, kidnappings, destruction and setting on fire Serb medieval monasteries and monuments of culture - effectively becoming an accomplice in a serious crime against the Serb people by flagrantly and massively violating human rights and conducting a campaign of ethnic cleansing.

H.E. Mr. Martin Andjaba
President of the United Nations
Security Council
N e w Y o r k

The Yugoslav Government and its public are particularly concerned over a slow and extremely inefficient investigation of crimes committed on a daily basis across the Province, over a tolerant and protective attitude towards Albanian terrorists and criminal gangs, encouraging them to carry out their plans of ethnic cleansing of entire non-Albanian population. UNMIK and KFOR allow that fundamental human rights of Serbs and other non-Albanians are violated daily on a massive scale by the terrorists of the so called KLA, that hordes of Albanians from Albania and Macedonia engage in the Yugoslav territory in the worst criminal activities such as drug and arms smuggling and trade in people. By such attitude, KFOR and UNMIK flagrantly violate UN SC resolution 1244 (1999) and the Military-Technical Agreement (MTA), which requires that appropriate and relevant measures be taken by the Security Council.

In view of the gravity of the situation in Kosovo and Metohija, tragically illustrated by coordinated mass massacres of Serbs in Staro Gracko and Ugljare, the Yugoslav Government demands an emergency meeting of the Security Council and expects the Council to condemn categorically in strongest terms the latest mass crime, to order an efficient and in-depth investigation with the participation of Yugoslav forensic experts in order to track down, arrest and punish the perpetrators of these crimes and those who gave them orders.

The Government of the FR of Yugoslavia recalls at the same time its previous communication to the Security Council and the UN Secretary-General and demands that:

- the Security Council undertake energetic measures and steps so that KFOR and UNMIK guarantee efficiently in practice full personal and property security of Serb, Montenegrin and other non-Albanian population in the Province, respect for the Yugoslav laws, public peace and order;

- to energetically put an end to violence and terror of Albanian separatist-terrorist and other criminal gangs;

- to ensure the release of 300 persons of Serb nationality who were abducted by Albanian terrorists since the deployment of KFOR in the Province;

- to immediately and totally disarm terrorist so called KLA and stop further arms smuggling, from and via the territories of neighbouring countries;

- to ensure the conditions for a free and safe return in dignity of around 200,000 Serbs and non-Albanians expelled from the Province in a campaign of ethnic cleansing in the period since KFOR and UNMIK assumed responsibility for the safety of the population;

- to expel all foreign nationals who illegally entered the territory of the FR of Yugoslavia;

- to return to the Province a contingent of the Army of Yugoslavia and police in accordance with UN SC resolution 1244 (1999) and MTA.

Energetic measurers and steps by the Security Council and KFOR and UNMIK along the above lines represent the only way to ensure that daily terror, killings, abductions and ethnic cleansing are stopped, that eroded dignity and credibility of the world Organization are safeguarded and to provide necessary conditions for a political solution in the Province on the basis of UN SCR 1244 (1999), respecting the principles enshrined in the Charter of the United Nations.

Please accept, Mr. President, the assurances of my highest consideration.

Zivadin Jovanovic
(Signed)

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on the Promotion
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Fifty-first session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 27 August 1999 from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Chairman of the fifty-first session of the Sub-Commission

On behalf of the delegations of Antigua and Barbuda, Bangladesh, Barbados, Brunei Darussalam, the People's Republic of China, Egypt, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mongolia, Myanmar, Nigeria, the Philippines, Qatar, Saudi Arabia, Singapore, Syria, Tanzania, Trinidad and Tobago, Viet Nam and Zimbabwe, I request that the attached joint communication* be circulated as an official document under item 2 of the Agenda of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights.

(Signed): SEE CHAK MUN
Ambassador
Permanent Representative

* Reproduced as received, in the language of submission only.

Annex

JOINT COMMUNICATION DATED 27 AUGUST 1999 FROM ANTIGUA AND BARBUDA, BANGLADESH, BARBADOS, BRUNEI DARUSSALAM, THE PEOPLE'S REPUBLIC OF CHINA, EGYPT, INDONESIA, IRAN, IRAQ, JAPAN, JORDAN, KUWAIT, LEBANON, MALAYSIA, MONGOLIA, MYANMAR, NIGERIA, THE PHILIPPINES, QATAR, SAUDI ARABIA, SINGAPORE, SYRIA, TANZANIA, TRINIDAD AND TOBAGO, VIETNAM AND ZIMBABWE ON THE QUESTION OF DEATH PENALTY UNDER ITEM 2 AT THE 51ST SESSION OF THE SUBCOMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

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1 We would like to place on record our concerns on the draft resolution E/CN.4/Sub.2/1999/L16 adopted by the Sub-Commission under agenda item 2, on "The death penalty, particularly in relation to juvenile offenders".

2 Operative paragraph 4 of the text calls upon all states which retain the death penalty and which do not apply a moratorium on executions to commute all death sentences on 31 December 1999 and to commit themselves to a moratorium on the imposition of the death penalty throughout the year 2000. Furthermore, operative paragraph 5 requests the Commission on Human Rights (CHR) to reaffirm its Resolution 1999/61 on the Question of the Death Penalty at the next CHR. Operative paragraph 6 further requests the Secretary-General to report to the next session of the Sub-Commission on the number of executions generally carried out.

3 We question the basis on which the Sub-Commission is prescribing such measures. In our view, the recommendations go beyond the mandate of the Sub-Commission. The Question of the Death Penalty is already being addressed in the CHR. The CHR has also made it clear that the Sub-Commission should not duplicate the work of the Commission. Hence, it is our view that the Sub-Commission should not address the Question of the Death Penalty where it is already under the purview of the CHR.

4 Nevertheless, we would like to reiterate what we have said at the 55th Session of the CHR

a) There is no international consensus that capital punishment should be abolished. Article 6, paragrah 2, of the International Covenant on Civil and Political Rights states that "sentence of death may be imposed only for the most serious crimes".

b) Capital punishment has often been characterised as a human rights issue in the context of the right of the convicted prisioner to life. However, this must be weighted against the rights of the victims and the right of the community to live in peace and security.

c) The question of whether to retain or abolish the death penalty should be carefully studied by each State, taking fully into account the sentiments of the people and the state of crime and criminal policy. It is inappropriate to make a universal decision on this question or to propose such action in the forum of an international organisation.

5 For these reasons, 50 delegations have disassociated themselves from the Commission on Human Rights Resolution 1999/61 (E/1999/113).

6 We request that this be circulated as an official document under Agenda Item 2 of the 51st Session of the Sub-Commission on the Promotion and Protection of Human Rights.

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Fifty-first session
Agenda item 5

THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN

Letter dated 26 August 1999 from the Permanent Representative of Pakistan to the United Nations Office at Geneva addressed to the Chairman of the fifty-first session of the Sub-Commission

1. I am addressing this letter with regard to resolution L.24, "Situation of women and girls in Afghanistan", adopted by the Sub-Commission on 25 August 1999.

2. At the time of adoption of the resolution, the delegate claiming to represent Afghanistan, instead of focusing on the subject of the resolution made baseless accusations against Pakistan. This is regrettable. We believe that since he was using the occasion for political purposes there was every reason to rule him out of order.

3. The Pakistan delegation was unable to respond to the allegations made against it because we were told that the procedures of the Sub-Commission do not permit a right of reply. In effect, the delegate claiming to represent Afghanistan received immunity from a response from the country which he had wilfully slandered on the floor of the Sub-Commission. This is neither fair nor democratic.

4. We have been advised to communicate our response in writing to the statement made so that it can be reflected in the records of the meeting. I hope that the following views of the Government of Pakistan will be reflected in full in the records of the meeting.

"The noble Afghan people had hoped to see the restoration of peace after a decade of foreign occupation of their country. Unfortunately, the fulfilment of their dream still remains distant and elusive due to the internal strife within Afghanistan.

"No other country has suffered more from the conflict in Afghanistan than Pakistan. Therefore, Pakistan has the highest stake in the restoration of peace in Afghanistan. Pakistan's consistent policy has been to promote a peaceful and negotiated settlement in Afghanistan. Pakistan is the only country which remains engaged with all the Afghan parties in the conflict.

"Soon after assuming office in February 1997, the Prime Minister of Pakistan, Muhammad Nawaz Sharif, launched an Afghan peace initiative. This culminated in the meeting of a Steering Committee in April this year at Islamabad for the purpose of working out the modalities for an Ulema convention that would discuss the problems of Afghanistan in accordance with the Shariah and the traditions of the country. While significant progress was made by the Steering Committee, the process was derailed by minor differences among the Afghan parties.

"We strongly support the six plus two process initiated under the aegis of the United Nations. We are persisting in the effort to promote reconciliation between the Taleban Government and the Northern Alliance. In this context the latest efforts to help bring peace to Afghanistan through a comprehensive dialogue between the various Afghan parties was held through talks in Dushanbe two days ago. Pakistan continues in its efforts to bring peace to Afghanistan.

"Pakistan has always respected the sovereignty and territorial integrity of Afghanistan. Pakistan believes that the resolution of peace in Afghanistan would not be possible without the cessation of all outside interference in Afghanistan. The impounding last year by the Kyrgyz authorities of a full trainload of weapons destined for the so-called Northern Alliance (700 tons, according to some reports) shows that massive arms supplies continue to be smuggled into Afghanistan. In this context, we have consistently called for a comprehensive embargo of supply of arms to all sides in the Afghan conflict.

"The allegations made against Pakistan by the person representing one faction are self-serving and counterproductive."

5. I hope the entire text of our comments will be reflected in the report of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights.

(Signed): Munir AKRAM
Ambassador
Permanent Representative

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